

1 **REMARKS:**

2 In the non-final Office Action, the Examiner noted that claims 1-28 are pending in the
3 application, that claims 1 through 16 are rejected, claims 20 through 28 are allowed, and that
4 claims 17 through 19 are objected to. The Examiner notes that claims 17 through 19 would be
5 allowable if rewritten to overcome the rejection under 35 U.S.C. 103, discussed below. For the
6 reasons discussed below, Applicants respectfully submit that the amendments contained herein
place claims 9-14, 16, 18, and 20-28 in condition for allowance.

7 **I.**

8 **Claim Rejections - 35 USC § 102**

9 **A. Claims 1 Through 6 - Summary of Examiner's Grounds for Rejection**

10 The Examiner rejected claims 1 through 6 under 35 U.S.C. 102(b) as being anticipated by
11 Wollar et al. (US 5,078,561). The Examiner states that Wollar discloses a threaded insert for
12 insertion in a hole in a workpiece wherein the hole has a polygonal shape and the insert includes
13 an upper flange 11 and a hollow body with an upper section 31 with flat sides that correspond to
14 the shape of the hole in the workpiece. The Examiner notes that the upper section of the fastener
body includes slots 52 that extend in an axial direction and facilitate expansion of the upper
section of the fastener.

15 **B. Applicants' Reply to Examiner's Rejections**

16 In response to the Examiner's rejection, Applicant has canceled claims 1 through 6.

17 **II.**

18 **Claim Rejections - 35 USC § 103**

19 **A. Claims 7 Through 16 - Summary of Examiner's Grounds for Rejection**

20 The Examiner rejected claims 7 through 16 under 35 U.S.C. 103 as being obvious.

21 With respect to claims 9 through 12, 15 and 16, the Examiner states these claims are
22 unpatentable over Wollar et al., because it would have been obvious to one having ordinary skill
in the art to have provided Wollar et al with six flat sides (instead of four) on the upper expanding
portion of the fastener.

23 Claims 7, 8, 13 and 14 were rejected as being unpatentable over Wollar et al in view of
24 Francis et al (US 4,580,935). According to the Examiner, Francis discloses the concept of
25 providing a closely related expanded fastener with a sealing material 27 under the bottom surface
26 of the fastener flange or head. The Examiner states that a person having ordinary skill in the art at
27 the time of the invention, would have realized that the outer flange or head of the Wollar et al
fastener could have been provided with a sealing material on its bottom surface to provide a seal

1 around the flange or head after the fastener is installed. The choice of the sealing material would
2 have been an obvious matter of design choice

3 **B. Applicants' Reply to Examiner's Rejections**

4
5 Applicant has amended claim 9 to incorporate the limitations of Claim 17. The Examiner
6 has stated that claim 17, which depends only upon claim 9, would be allowable if rewritten in
7 independent form. The amendment of claim 9 follows the Examiner's comments. Claims 10
8 through 14, and 16 are dependent on the amended base claim and incorporate the limitations
9 added therein. Claim 15, which limited the original claim 9 by locating the split along a vertex of
10 the hexagon, has been rendered redundant by the amendment to claim 9 and is therefore canceled.
11 Claim 17, which is incorporated into claim 9, is canceled. Claim 18 is amended to make it
12 dependent upon claim 9 rather than claim 17. Claim 19, which is incorporated into claim 9, is
13 canceled.


14 Claims 20 through 28 have been allowed by the Examiner and are left in their original
15 form.

16 **IV**
17 **Conclusion**

18 Applicant respectfully submits that this submission is fully responsive to the March 19,
19 2004 Office Action, and these claims are in condition for allowance. The issuance of a Notice of
20 Allowance at an early date is therefore requested.

21 If the Examiner believes a telephone conference would expedite prosecution of this
22 application, please telephone the undersigned at (661)395-1000.

23
24 Respectfully submitted,

25
26 By 
27 JAMES M. DUNCAN
Reg. No. 44,664